

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: October 19, 2005
Bulk Item: Yes XX No

Division: County Attorney
Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING:

Approval of amendment to KWIA Hangar, Taxi-lanes and Apron Construction project with D. L. Porter.

ITEM BACKGROUND: D.L.

Porter was the successful bidder for the KWIA Hangar construction project. The project has fallen behind schedule and the County is currently deducting liquidated damages from D.L. Porter's pay applications. In an effort to jumpstart the construction, a meeting was held on Thursday, October 17, 2005 with representatives from D.L. Porter, U.R.S, KWIA Hangars, Inc. and the County. In order to avoid litigation, a proposed solution was reached whereby D.L. Porter has provided the County with a schedule showing construction completion by November 17, 2005 in exchange for the county releasing some of the funds deducted as liquidated damages.

PREVIOUS RELEVANT BOCC ACTION:

Approved the original contract.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval of attached Contract Amendment.

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: _____

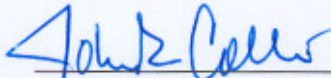
SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

 11/17/05

JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included

Not Required

DISPOSITION: _____

AGENDA ITEM # _____

AMENDMENT TO HANGAR DEVELOPMENT, TAXILANES AND APRON CONTRACT
WITH D.L. PORTER CONSTRUCTORS, INC.

THIS AMENDMENT (hereinafter "Amendment") to the Hangar Development, Taxilanes and Apron agreement (hereinafter "agreement") is made and entered into this _____ day of _____, 2005, by and between MONROE COUNTY, a political subdivision of the State of Florida (hereinafter "County"), and D. L. Porter Constructors, Inc., a corporation of the State of Florida, (hereinafter "D.L. Porter").

WITNESSETH

WHEREAS, on the 5th day of February, 2004, the parties entered into the Agreement for the construction of Hangars, Taxilanes and Apron at the Key West International Airport; and

WHEREAS, both parties agreed that time was of the essence in the completion of the construction; and

WHEREAS, the agreement provided 155 days for completion of the construction plus an additional 148 days granted by change orders; and

WHEREAS, the date for construction to have been completed was June 21, 2005; and

WHEREAS, the parties wish to avoid litigation, complete the construction and resolve all issues arising out of the original agreement amicably;

WHEREAS, D.L. Porter has submitted pay applications from which the County has deducted Liquidated Damages; and

WHEREAS, more specifically, D.L. Porter has submitted pay application 13 for a total of \$241,512.80 and the County has deducted \$190,500.00 in Liquidated Damages;

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, the parties agree to amend the original agreement as follows:

1. The parties agree that all rights and remedies granted under the contract are preserved and by agreeing to this amendment neither party waives its right to proceed with any right or remedy granted to it under the original agreement.
2. D.L. Porter shall prepare and provide the County a revised construction schedule indicating completion of the construction by November 17, 2005. (Attached Exhibit A)
3. The County, without waiving any claims to Liquidated Damages shall process pay application 13 and shall only deduct \$90,500.00 in liquidated damages. Upon D. L. Porter providing proper documentation the County agrees to \$151,012.80 as the amount to be paid on pay application 13.
4. This subsection shall survive the cancellation or termination of this agreement, and shall be in full force and effect.
5. All other provisions of the February 5, 2004 original agreement, not inconsistent herewith, shall remain in full force and effect.

IN WITNESS WHEREOF, each party has caused this Amendment to Contract to be executed by its duly authorized representative.

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

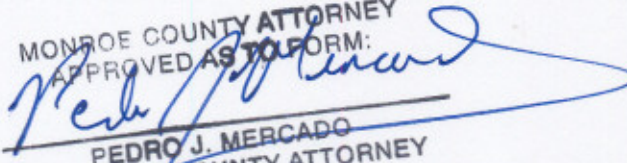
By _____
Mayor/Chairman

ATTEST:

D. L. PORTER CONSTRUCTORS, INC.

By _____
Title _____

By _____
Title _____

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

PEDRO J. MERCADO
ASSISTANT COUNTY ATTORNEY

| ID | Task Name | Duration | Start | Finish | Oct 16, '05 | | | | | | | | | | | | | |
|----|-----------------------------|----------|--------------|--------------|-------------|---|---|---|---|---|---|---|---|---|---|--|--|--|
| | | | | | T | W | T | F | S | S | M | T | W | T | F | | | |
| 1 | Hangar Completion | 208 hrs | Thu 10/13/05 | Thu 11/17/05 | | | | | | | | | | | | | | |
| 2 | Storm Repair | 4 days | Thu 10/13/05 | Tue 10/18/05 | | | | | | | | | | | | | | |
| 3 | Hangar Erection & Trim | 15 days | Wed 10/19/05 | Tue 11/8/05 | | | | | | | | | | | | | | |
| 4 | Hangar Electric | 21 days | Thu 10/13/05 | Thu 11/10/05 | | | | | | | | | | | | | | |
| 5 | Simplex Electric Inspection | 1 day | Fri 11/11/05 | Fri 11/11/05 | | | | | | | | | | | | | | |
| 6 | Punch out | 5 days | Wed 11/9/05 | Tue 11/15/05 | | | | | | | | | | | | | | |
| 7 | Site Work | 7 days | Tue 10/18/05 | Wed 10/26/05 | | | | | | | | | | | | | | |
| 8 | Mitigation | 20 days | Thu 10/13/05 | Wed 11/9/05 | | | | | | | | | | | | | | |
| 9 | Inspections | 5 days | Fri 11/11/05 | Thu 11/17/05 | | | | | | | | | | | | | | |
| 10 | Substantial Completion | 0 days | Thu 11/17/05 | Thu 11/17/05 | | | | | | | | | | | | | | |

Project: KWIA Completion Schedule
Date: Thu 10/13/05

Task



Milestone



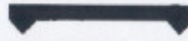
External Tasks



Split



Summary



External Milestone



Progress

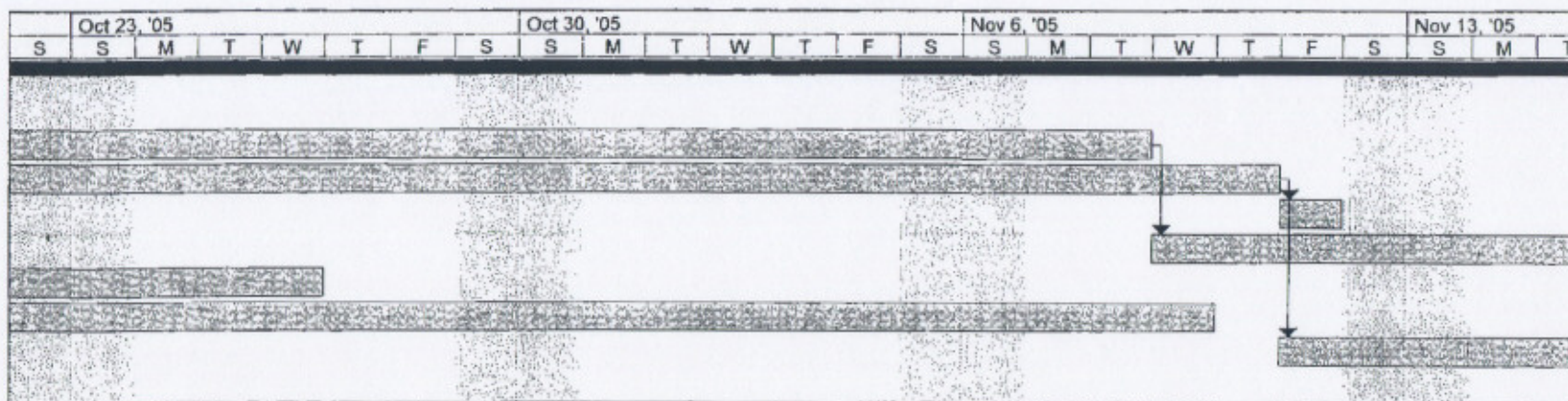


Project Summary



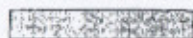
Deadline





Project: KWIA Completion Schedule
Date: Thu 10/13/05

Task



Milestone



External Tasks



Split



Summary



External Milestone



Progress



Project Summary



Deadline

